

Appln. No. 10/680,903

Attorney Docket No. 10541-1762

II. Remarks

Reconsideration and reexamination of this application in view of the above amendments and the following remarks is herein respectfully requested. After entering this amendment, claims 1-26 remain pending.

The applicants gratefully thank the examiner for arranging time to discuss the status of the application on February 15, 2006. During the meeting, amendments to claim 1 were discussed. As such, current amendments to claim 1 are believed by the applicants to incorporate suggestions made by the examiner during the meeting.

Further Claim Clarifications

Prior to discussing the prior art references, it is believed that a brief discussion on the current form of the independent claim of this application is warranted. The original independent claim of this application has been amended to clarify, or particularly to point out and distinctly claim that which the applicants regard as the subject matter of the present invention. Specifically, the independent claim now recites the inner peripheral edge of the face plate is configured to receive light generated by the light source and configured to transmit the received light through the thickness of the face plate to indicia formed in the surface of the plate.

Advisory Action Response

In the Advisory Action dated January 20, 2006, the examiner stated that the request for reconsideration did not place the application in condition for allowance because a "term that suggests or makes optional (e.g. "adapted to" and "may") but does not limit a claim to a particular structure is not give any patentable weight."

Appln. No. 10/680,903

Attorney Docket No. 10541-1762

Claim 1 has been amended to recite additional structural elements that are to be afforded patentable weight.

More specifically, claim 1 has been amended to recite that the inner peripheral edge is configured to receive and configured to transmit the received light through the thickness of the face plate. The light source is further claimed as being positioned so as to direct light through the peripheral edge. The applicants believe that these additional elements distinguish the claimed invention over the prior art.

With respect to claims 2-26, these claims are dependent on claim 1 and are allowable for at least the same reasons given above.

Claim Rejections – 35 U.S.C. §103(a)

In the previous Office Action dated October 18, 2005, the examiner rejected Claims 1-3, 6, 10, 11, 13, 14, 20, and 25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,531,181 to Cookingham ("Cookingham"). The applicants responded to this rejection, but the examiner has not made any indication as the persuasiveness of the applicants' response.

In the Office Action, the examiner states that Cookingham contains all of the elements of the invention as claimed, except for (1) indicia formed in one of the first and second surfaces of a gage and (2) the gage plate being transparent. The examiner states that it would have been obvious to provide indicia in one of the first and second surfaces of a transparent polycarbonate plastic plate to carry effectively the light from the source to the desired display areas through the indicia for an evenly distributed illumination of the displays. In support of this conclusion, the examiner cites the Background Section of Cookingham which states:

BRINKS
HOFFER
GILSON
ALONE

Appln. No. 10/680,903

Attorney Docket No. 10541-1762

It is a common practice in automotive vehicles to illuminate instrument clusters including illuminated gauge pointers. An instrument cluster includes a face plate bearing indicia for dials and other displays, and gauges behind the face plate which drive pointers across the dials. Generally the face plate is fashioned to serve as a light pipe to direct light from a number of strategically placed lamps to the pointers. The pointers comprise light pipes to carry the light along their length for clear viewing. The face plate itself may comprise a polycarbonate substrate for such light conduction.

Cookingham, Column 1, lines 13-22.

Although Cookingham mentions that the face plate may comprise a polycarbonate substrate for light conduction, Cookingham does not state as to how the face plate is illuminated, let alone the location of the light source to provide the illumination of the face plate. Face plates may be illuminated by any one of a number of ways. At best, the Background Section of Cookingham broadly describes one *function* of a face plate (conducting light to illuminate pointers that are not part of the face plate), but makes no mention as to how to illuminate the face plate or to the *structure* required to illuminate the face plate.

As to the Detailed Description Section of Cookingham, a light source 54 is located within an aperture 14 of a plate 12. However, unlike the invention claimed, there is no hint or suggestion of adapting a peripheral edge of the plate 12 such that light from the light source 54 may enter the face plate via the peripheral edge and illuminate the plate 12 itself.

When making a rejection under 35 U.S.C. §103, the cited reference must provide some motivation, suggestion or teaching to render the claims of the present invention as obvious. The Cookingham reference itself provides no such motivation. There is no suggestion or motivation to provide indicia formed into the surface of the plate that would pick up ambient light or supplied light from a light source, wherein

Appln. No. 10/680,903

Attorney Docket No. 10541-1762

the light source is positioned within a central region defined by an inner peripheral edge to illuminate the indicia through the transmission of light through an inner peripheral edge, within the thickness, of the plate to illuminate the plate itself. The only motivation hinted at is in the present application itself. However, the present application cannot be the source of the required motivation because such a reconstruction of the invention is improper. In the reference, the requisite motivation is not provided and therefore, the rejection on 35 U.S.C. §103 thereon should be withdrawn.

With respect to claims 2, 3, 6, 10, 11, 13, 14, 20 and 23-25, these claims are dependent on claim 1 and are allowable for at least the same reasons given above.

Additionally, in the previous Office Action, claims 4, 5, 7-9, 12, 15-19 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cookeingham in view of either U.S. Patent No. 6,848,799 to Kalantar, U.S. Patent No. 6,454,422 to Williams, U.S. Patent No. 3,131,607 to Hardesty, U.S. Patent 6,302,551 to Matumoto, U.S. Patent 5,143,434 to Ohta et al., U.S. Patent 6,502,973 to Bernhard, U.S. Patent 4,559,582 to Scardilli or U.S. Patent 5,047,761 to Sell. These claims are dependent on claim 1 and are patentable for at least the same reasons given above in support of claim 1. Accordingly, allowance of these claims is respectfully requested.

Appln. No. 10/680,903

Attorney Docket No. 10541-1762

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

February 21, 2006

Date



John A. Lingl (Reg. No. 57,414)